

(c) For the purposes of this section, “new business” means cargo that has not moved through a Seaway lock between an origin and a destination as defined in this paragraph (c) during the navigation seasons of 1992, 1993, and 1994 or cargo that has moved through a Seaway lock in quantities representing less than five percent of the average of Seaway traffic between an origin and a destination during the navigation seasons of 1992, 1993, and 1994. For the purposes of this paragraph (c), *origin* and *destination* mean the country in which the cargo is loaded or unloaded, but if the cargo is unloaded in North America, *origin* and *destination* mean the geographic region in which the cargo is unloaded, those geographic regions being as follows:

- (1) the Gulf of St. Lawrence and St. Lambert Lock;
- (2) St. Lambert Lock to Cape Vincent on the St. Lawrence River, Lake Ontario and the Welland Canal;
- (3) Lake Erie, Lake Huron, and connecting waters;
- (4) Lake Michigan;
- (5) Lake Superior and St. Mary's River; and
- (6) ports elsewhere in North America in regions not specifically described in subparagraphs (c) (1) through (5) of this section.

[59 FR 45229, Sept. 1, 1994, as amended at 60 FR 56121, Nov. 7, 1995]

§ 402.11 Volume discount.

(a) A volume rebate shall be granted to a shipper of downbound cargo or to a receiver of upbound cargo at the end of the 1995 navigation season after payment of the full toll specified in the schedule under the tariff in § 402.8 of this part if shipments of a particular commodity during 1995 exceed by a minimum of 25,000 tons the shipper's or receiver's highest tonnage for that particular commodity during 1991, 1992, 1993, or 1994 in the Seaway. Shippers will be qualified based upon the particular commodity loaded at their port of origin and receivers will be qualified based on the particular commodity unloaded at their port of destination. Shippers and receivers located within the Seaway will be qualified based on the total of their upbound and downbound shipments or receipts of

the particular commodity. Should a shipper or receiver of the same commodity qualify for a volume rebate, the rebate will be divided equally between the shipper and receiver.

(b) Volume rebates shall be granted only with respect to commodities whose shipper and receiver have shipped or received the subject commodity in the years 1991, 1992, 1993, and 1994 and have not been subject of a merger or take-over during 1991, 1992, 1993, 1994, or 1995.

(c) The volume rebate shall be equal to a 50 percent reduction of the portion of the composite toll related to charges per metric ton of cargo paid for the shipments that surpass the shippers or receiver's highest tonnage for that commodity during 1991, 1992, 1993, or 1994. Payment of rebates will be made directly to the qualified receiver or shipper.

(d) A description of the shipper's or receiver's Seaway traffic history for 1991, 1992, 1993, 1994, and 1995 by port, vessel name, transit date, commodity description, and tonnage shall be submitted by the shipper or receiver prior to the end of 1995 and shall be subject to audit by the Authority.

(e) Cargoes having been the subject of a new business discount or an alternate use of bulker discount described in § 402.13 of this Part shall be excluded from the statistics used for calculation of volume rebates.

[59 FR 45229, Sept. 1, 1994, as amended at 60 FR 56121, Nov. 7, 1995]

§ 402.13 Vessels engaged primarily in the bulk trade.

Notwithstanding any thing contained in this Tariff, the toll for steel slab, general, or containerized cargo for any vessel documented under the laws of the United States or registered in Canada in accordance with the laws of Canada that has been engaged primarily in the bulk trade within the St. Lawrence Seaway/Great Lakes system during the three navigation seasons immediately preceding the applicable season shall, upon written application to the Authority or the Corporation prior to the beginning of a Seaway transit, be the toll charged for food grains specified in the